

Notice of Allowability

Application No.

09/829,292

Examiner

Dave Robertson

Applicant(s)

DVORAK ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/15/07.
2. ☒ The allowed claim(s) is/are 49-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Roman Jeanty
Primary Examiner
Art Unit 3623

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Keith Baxter on 8/21/2007.

In the claims:

Amend claims 53 and 59 as follows:

Art Unit: 3623

53. (Currently Amended) A method of allowing patients to schedule their own medical appointments on a computerized scheduling system, the method comprising the steps of operating the computerized scheduling system to:

communicate directly with the patient over the Internet to accept a patient

request to schedule [for] a medical appointment of a requested type;

automatically review a record of the patient's completion of previous appointments; [and]

automatically compare a measure of the patient's completion of previous appointments to a predetermined threshold;

automatically determine whether the measure of the patient's completion of previous appointments exceeds the predetermined threshold;

when the measure of the patient's completion of previous appointments exceeds the predetermined threshold, automatically accept the patient's request for [schedule] the [a] medical appointment on behalf of the patient [only if the patient's completion of previous appointments exceeds a predefined threshold and otherwise] ;

when the measure of the patient's completion of previous appointments does not exceed the predetermined threshold, deny the patient's Internet request to schedule the medical appointment and require[ing] the patient to schedule the [an] medical appointment through a human intermediary.

59. (Currently Amended) A computerized scheduling system allowing patients to schedule their own medical appointments comprising [:] a stored program executing on an electronic computer, the stored program executing the program to:

communicate directly with the patient over the Internet to accept a patient

request to schedule [for] a medical appointment of a requested type;

automatically review a record of the patient's completion of previous

appointments; [and]

automatically compare a measure of the patient's completion of previous

appointments to a predetermined threshold;

automatically determine whether the measure of the patient's completion of

previous appointments exceeds the predetermined threshold;

when the measure of the patient's completion of previous appointments exceeds

the predetermined threshold, automatically accept the patient's request for

[schedule] the [a] medical appointment on behalf of the patient [only if the

patient's completion of previous appointments exceeds a predefined

threshold and otherwise] ;

when the measure of the patient's completion of previous appointments does not

exceed the predetermined threshold, deny the patient's Internet request to

schedule the medical appointment and require[ing] the patient to schedule the

[an] medical appointment through a human intermediary.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The closest prior art Glazer (US Pat. 7,174,303) teaches an automated method of allowing patients to schedule medical appointments over a network including communicating directly with the patient over the Internet and storing a record of the patient's history of previous appointments; however, Glazier fails to teach or suggest recording a measure of the patient's completion of previous appointments; comparing the measure to a predefined threshold, and automatically scheduling the medical appointment only if the patient's measure of completion of previous appointments exceeds the predefined threshold, or otherwise requiring the patient to schedule the appointment through a human intermediary.

Garcia (US Pat. 6,088,429) teaches automated methods and a system for online patient scheduling for a medical practice, including monitoring patients' prescription regimens and sending reminders to patients for scheduled appointments, and recording statistics on patients' completed appointments; however, Garcia fails to teach or suggest recording a measure of the patient's completion of previous appointments; comparing the measure to a predefined threshold; and automatically scheduling the medical appointment only if the patient's measure of completion of previous appointments exceeds the predefined threshold, or otherwise requiring the patient to schedule the appointment through a human intermediary.

Whereas certain other prior art at the time of invention clearly teaches frustration, financial loss, and risk to patient care from patients who fail to show for scheduled

Art Unit: 3623

appointments (Sanford Brown, "The Disgruntled Patient", Family Practice Management, June 1999 and Ron Aymond, "22 Tips for Improving Your Practice", Family Practice Management, Sept. 1999; reporting the frustration and financial losses felt by doctors in medical practices caused by patient no-shows; and Daley and Zuckoff, "Improving compliance with the initial outpatient session among discharged inpatient dual diagnosis clients," in Social Work, 1998; reporting where missed appointments can signal problems with ongoing outpatient psychiatric treatment), and employing various means for mitigating the risk and cost of no-shows (e.g. automated reminders, double scheduling, charging for missed appointments, dropping the patient from the practice), none of the references alone or in combination teach or suggest conditioning the privilege of Internet self-scheduling on the patient's history of completed appointments and automating the recognition or denial of the online self-scheduling privilege earned by the patient's history of completed appointments, and further, when denied, maintaining an avenue for scheduling through a human intermediary, the method of the present invention having utility particular to online patient self-scheduling of medical appointments.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is 571-272-8220. The examiner can normally be reached on 8:15am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dcr

Den
8-21-2007

Romain Jeanty
Primary Examiner
Art Unit 3623